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#23

In re Application of
David F. Gavin et al
Serial No.: 09/120,664
Filed: July 22, 1998
Attorney Docket No.: 100792-100

: PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed August 19, 2002, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the Board of Patent Appeals and Interferences (BPAI) mailed a decision affirming the examiner to applicants on December 17, 2001. This tolled a two month time period for applicants to take further action. Applicants did file on February 27, 2002 (Certificate of Mailing dated February 15, 2002), a request for rehearing of the adverse decision in triplicate. A Notice of Abandonment was mailed to applicants on July 15, 2002, when the reply was not timely correlated with the file. The reply has now been correlated with the file. In view of the timely reply the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision

The petition is **GRANTED**.

The application will be forwarded to the BPAI for further action.

The petition fee paid of \$130.00 is not required and will be credited to applicants' Deposit Account No. 23-1665, as directed.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.

Bruce M. Kisliuk
Director, Technology Center 1600